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EXAMINER				
PASEWICZ, DANIEL M				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/805,285

**Applicant(s)**

KATOH ET AL.

**Examiner**

DANIEL M. PASIEWICZ

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 6-11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Species I, claims 1, 2, 4 and 5, in the reply filed on 7/11/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 3 and 8-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/11/2008.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,422,643 to Chu et al.**

5. With respect to **claim 2** Chu discloses, in Fig. 1, a method of processing an information signal, comprising the steps of: subjecting a first analog signal to linear operation with first and second gains to generate second and third analog signals respectively (column 4 lines 3-13), the second gain being higher than the first gain (Fig. 1; where the gains can be seen having different gains, thus a first gain is higher than the

second gain); feeding the second analog signal and the third analog signal alternately to an A/D converter to convert the second analog signal and the third analog signal into a first digital signal and a second digital signal respectively (column 4 lines 26-35); deciding whether or not the A/D converter is saturated by the third analog signal (column 5 lines 3-19); transmitting the first digital signal and discarding the second digital signal when it is decided that the A/D converter is saturated; and transmitting the second digital signal and discarding the first digital signal when it is decided that the A/D converter is not saturated (column 4 lines 36-44).

***Allowable Subject Matter***

6. **Claims 1 and 4-5** are allowed.
7. The following is an examiner's statement of reasons for allowance:
8. A claim limitation will be presumed to invoke 35 U.S.C. 112, sixth paragraph, if it meets the following 3-prong analysis:

(A) the claim limitations must use the phrase "means for" or "step for";

(B) the "means for" or "step for" must be modified by functional language; and

(C) the phrase "means for" or "step for" must not be modified by sufficient structure, material, or acts for achieving the specified function.

Additionally as stated in MPEP 2181:

*Where a claim limitation meets the 3-prong analysis and is being treated under 35 U.S.C. 112, sixth paragraph, the examiner will include a statement in the Office action that the claim limitation is being treated under 35 U.S.C. 112, sixth paragraph.*

*However, if a claim limitation does not use the phrase "means for" or "step for," that is, the first prong of the 3-prong analysis is not met, the examiner will not treat such a claim limitation under 35 U.S.C. 112, sixth paragraph.*

9. Thus, all limitations which include "means for" language presented by independent claims 1 and 4-7 have been examined under the 35 U.S.C. 112 sixth paragraph standards. Additionally, limitations (for example "an A/D converter" of claim 4) which do not recite "means for" language have been examined given their broadest reasonable interpretation.

10. In view of this, with respect to **claim 1** the prior art is not found to teach or fairly suggest, a video camera comprising: an image sensor for converting incident light into an electric signal; first means for converting the electric signal generated by the image sensor into a digital video signal; a memory having a first storage area for storing segments of the digital video signal generated by the first means on a frame-by-frame basis; second means for detecting a shake of a camera body, and generating an analog detection signal representative of the detected shake; an amplifier for amplifying the analog detection signal generated by the second means to generate an analog amplification-resultant signal; third means for converting the analog detection signal generated by the second means and the analog amplification-resultant signal generated by the amplifier into a digital detection signal and a first digital amplification-resultant signal respectively; fourth means for amplifying a signal value represented by the digital detection signal generated by the third means on a digital basis to generate a second digital amplification- resultant signal; fifth means for deciding whether or not values

represented by at least two successive samples of the first digital amplification-resultant signal are greater than a predetermined reference value; sixth means for selecting the second digital amplification-resultant signal when the fifth means decides that the values represented by the at least two successive samples of the first digital amplification-resultant signal are greater than the predetermined reference value, and selecting the first digital amplification-resultant signal when the fifth means decides that the values represented by the at least two successive samples of the first digital amplification-resultant signal are not greater than the predetermined reference value; seventh means for generating a shake corrective signal in response to the signal selected by the sixth means; eighth means for reading out segments of the digital video signal from a second storage area movable within the first storage area of the memory to generate a correction- resultant video signal; and ninth means for moving the second storage area relative to the first storage area in response to the shake corrective signal generated by the seventh means.

11. Additionally, with respect to **claim 4** the prior art is not found to teach or fairly suggest, a video camera comprising: first means for detecting a shake of a camera body, and generating a first analog signal representative of the detected shake; second means for subjecting the first analog signal generated by the first means to linear operation with first and second gains to generate second and third analog signals respectively, the second gain being higher than the first gain; an A/D converter; third means for feeding the second analog signal and the third analog signal alternately to the A/D converter onto convert the second analog signal and the third analog signal into

a first digital signal and a second digital signal respectively; fourth means for deciding whether or not the A/D converter is saturated by the third analog signal; fifth means for selecting the first digital signal and discarding the second digital signal when the fourth means decides that the A/D converter is saturated, and selecting the second digital signal and discarding the first digital signal when the fourth means decides that the ND converter is not saturated; and sixth means for generating a shake corrective signal in response to the signal selected by the fifth means.

12. **Claims 5** is allowable for at least the reasons that they depend from claim 4 which is allowable for the reasons discussed above. (NOTE: claims 6-7 would be rejoined upon issue of an allowance containing the current claim 4).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Patent 6,943,548 to Hertz
- U.S. Patent Application Publication 2003/0102994 A1 to Stimmann

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL M. PASIEWICZ whose telephone number is (571)272-5516. The examiner can normally be reached on M-F 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMP  
October 24, 2008

/Lin Ye/  
Supervisory Patent Examiner, Art Unit 2622